

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE JOSEPH C. SPERO

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	
)	
VS.)	NO. 3-16-MJ-71094 MAG
)	
NAUM MORGOVSKY,)	
)	SAN FRANCISCO, CALIFORNIA
DEFENDANT.)	TUESDAY
)	AUGUST 30, 2016
_____)	

TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL ELECTRONIC SOUND

RECORDING 10:04 - 10:18 A.M.

APPEARANCES:

FOR PLAINTIFF

UNITED STATES ATTORNEY
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

BY: JOHN HEMANN
ASSISTANT UNITED STATES ATTORNEY

FOR DEFENDANT

LAW OFFICE OF WILLIAM L. OSTERHOUDT
135 BELVEDERE STREET
SAN FRANCISCO, CALIFORNIA 94117

BY: WILLIAM L. OSTERHOUDT, ESQUIRE

TRANSCRIBED BY: JOAN MARIE COLUMBINI, CSR #5435, RPR
RETIRED OFFICIAL COURT REPORTER, USDC

1 TUESDAY, AUGUST 30, 2016

10:04 A.M.

2 (TRANSCRIBER'S NOTE: DUE AT TIMES TO COUNSEL'S FAILURE TO
3 IDENTIFY THEMSELVES WHEN SPEAKING, CERTAIN SPEAKER
4 ATTRIBUTIONS ARE BASED ON EDUCATED GUESS.)

5 PROCEEDINGS

6 ---000---

7 **THE CLERK:** CALLING 3-16-MJ-71094, USA VERSUS NAUM
8 MORGOVSKY.

9 **MR. HEMANN:** GOOD MORNING, YOUR HONOR. JOHN HEMANN
10 FOR THE UNITED STATES.

11 **THE COURT:** MR. HEMANN.

12 **MR. OSTERHOUDT:** WILLIAM OSTERHOUDT FOR
13 MR. MORGOVSKY. HE'S PRESENT IN CUSTODY, YOUR HONOR.

14 **THE COURT:** IS THERE A MOTION BY THE UNITED STATES?

15 **MR. HEMANN:** TO UNSEAL, YES, YOUR HONOR.

16 **THE COURT:** GRANTED.

17 WELCOME, SIR.

18 **THE DEFENDANT:** GOOD MORNING.

19 **THE COURT:** GOOD MORNING. OKAY. SO I GAVE
20 COUNSEL --

21 **MR. OSTERHOUDT:** YES. WILLIAM OSTERHOUDT APPEARING
22 GENERALLY FOR MR. MORGOVSKY.

23 **THE COURT:** EXCELLENT. SO WE'RE ON FOR A BAIL
24 HEARING?

25 **THE DEFENDANT:** YES.

1 **MR. HEMANN:** YOUR HONOR, THE PARTIES HAVE HAD A
2 CHANCE TO LOOK AT PRETRIAL'S RECOMMENDATION, AND THE GOVERNMENT
3 BELIEVES THAT THE CONDITIONS SUGGESTED BY PRETRIAL -- AND I
4 THINK AS SOMEWHAT SUPPLEMENTED BY THE PARTIES IN THE DRAFT, OR
5 THE PROPOSED BAIL FORM, WOULD ADEQUATELY ENSURE MR. MORGOVSKY'S
6 APPEARANCE IN FUTURE COURT PROCEEDINGS.

7 **THE COURT:** AND REASONABLY ASSURE THE SAFETY OF THE
8 COMMUNITY, I ASSUME?

9 **MR. HEMANN:** AND WOULD REASONABLY ASSURE THE SAFETY
10 OF THE COMMUNITY.

11 **THE COURT:** EXCELLENT.

12 **MR. HEMANN:** THE GOVERNMENT'S POSITION IS
13 MR. MORGOVSKY IS NOT A DANGER TO THE COMMUNITY.

14 **THE COURT:** RIGHT. EXCELLENT.

15 **MR. OSTERHOUDT:** MY ONLY RESERVATION -- AND I AGREE
16 WITH WHAT COUNSEL SAID -- IS I THINK THE MILLION DOLLAR
17 RECOMMENDATION, RESPECTFULLY, IS A LITTLE HIGH, GIVEN THE
18 NATURE OF THE CASE AND THE NATURE OF THE CLIENT.

19 NOW MR. VAYN IS PREPARED TO POST BOND, AND HE HAS
20 VERY SUBSTANTIAL EQUITY IN HIS HOME IN HILLSBOROUGH. HE'S HERE
21 TODAY. AND HE -- BUT I FEEL -- HE MAY HAVE \$3 MILLION-PLUS
22 EQUITY, BUT I DON'T KNOW THAT WE NEED TO USE A MILLION OF IT
23 FOR MR. MORGOVSKY, IF IT'S NECESSARY.

24 I RAISED THAT WITH MR. HEMANN. I THINK IT SEEMED
25 EXCESSIVE. BUT MR. VAYN IS HERE TO POST THE BOND.

1 **THE COURT:** CORRECT. WHAT'S YOUR VIEW?

2 **MR. HEMANN:** MY VIEW IS THAT IT'S NOT EXCESSIVE FOR
3 TWO REASONS.

4 FIRST OF ALL, I THINK THAT MR. MORGOVSKY FOR THE
5 REASONS SET FORTH BY PRETRIAL AND THE REASONS SET FORTH IN THE
6 GOVERNMENT'S PROFFER LAST WEEK IS A SIGNIFICANT FLIGHT RISK.

7 I THINK PRETRIAL IDENTIFIES SOME UNUSUAL FACTORS WITH
8 REGARD TO MR. MORGOVSKY'S FINANCIAL SITUATIONS -- FINANCIAL
9 SITUATION. THERE ARE SIGNIFICANT CONNECTIONS TO RUSSIA,
10 SIGNIFICANT TRAVEL AND THE USE OF -- REPEATED USE OF OTHER
11 IDENTITIES, ALL WHICH SUGGEST THAT HE IS A STRONG CANDIDATE TO
12 FLEE. THAT'S THE FIRST REASON.

13 THE SECOND REASON IS THAT MR. MORGOVSKY'S STEPSON HAS
14 A RESIDENCE AND HAS WHAT LOOKS TO BE \$3 MILLION WORTH OF EQUITY
15 IN IT. GIVEN THAT ENORMOUS AMOUNT OF THE ASSET, THE SECURITY
16 SHOULD BE MEANINGFUL TO THE SURETY. AND A MILLION DOLLARS TO
17 MR. MORGOVSKY'S SON -- OR STEPSON APPEARS TO BE A MEANINGFUL
18 AMOUNT THAT WILL ENSURE MR. MORGOVSKY'S PRESENCE.

19 FRANKLY, \$250,000 FOR A MATTER, SOMETHING AROUND THAT
20 LEVEL THAT MR. OSTERHOUDT HAS SUGGESTED, ISN'T, IN THE
21 GOVERNMENT'S VIEW, MEANINGFUL ENOUGH TO INCENTIVIZE
22 MR. MORGOVSKY'S STEPSON TO ENSURE MR. MORGOVSKY'S APPEARANCE.

23 **THE COURT:** OKAY. I THINK WE'LL STICK WITH THE
24 MILLION DOLLARS.

25 SO IS MR. -- HOLD ON. I'M SORRY. I'VE LOST HIS

1 NAME.

2 MR. OSTERHOUDT: VAYN.

3 THE COURT: MR. VAYN. IS MR. VAYN'S WIFE HERE?

4 MR. OSTERHOUDT: HIS WIFE IS NOT HERE.

5 THE COURT: SO SHE'S ALSO ON TITLE, THOUGH, RIGHT?

6 MR. OSTERHOUDT: YES.

7 THE COURT: OKAY. SO SHE'LL ALSO HAVE TO SIGN.

8 COME ON UP.

9 MR. HEMANN: WELL, I THINK, YOUR HONOR, SHE WOULDN'T
10 HAVE TO SIGN ON THE BOND, THOUGH SHE'LL HAVE TO POST --

11 UNIDENTIFIED SPEAKER: SHE HAS TO SIGN THE BOND.

12 MR. HEMANN: OH, SHE HAS TO SIGN THE BOND?

13 THE COURT: SHE HAS TO SIGN THE BOND, YEAH.

14 UNIDENTIFIED SPEAKER: (INDISCERNIBLE.)

15 THE COURT: SO WELCOME. THANK YOU FOR COMING.

16 COULD YOU TELL ME YOUR NAME?

17 MR. VAYN: MARK VAYN.

18 THE COURT: AND YOU'RE MR. MORGOVSKY SON-IN-LAW --
19 STEPSON? STEPSON; EXCUSE ME. MY MISTAKE. STEPSON.

20 THANK YOU FOR COMING. I UNDERSTAND YOU ARE WILLING
21 TO SIGN ON A BOND AND POST YOUR HOME.

22 MR. VAYN: YES.

23 THE COURT: THAT'S A GREAT THING TO DO. I ALWAYS
24 APPRECIATE IT WHEN FAMILIES STAND WITH THEIR LOVED ONES AND
25 HELP THEM IN THESE TIMES. BUT IT'S ALSO A VOLUNTARY THING TO

1 DO. NOBODY CAN FORCE YOU TO DO IT.

2 I DON'T EXPECT YOU TO CHANGE YOUR MIND, BUT YOU'RE
3 ENTITLED TO IF YOU WANT. IF YOU WANT OFF THE BOND, ALL YOU
4 HAVE TO DO IS COME INTO THIS COURT, AND THE JUDGE WILL SIGN YOU
5 OFF THE BOND, BUT THAT'S THE ONLY WAY TO GET OFF.

6 BECAUSE YOU ARE ON IT TO THE EXTENT OF \$1 MILLION,
7 THERE WILL BE A LIEN ON YOUR PROPERTY TO THAT EXTENT, WHICH
8 MEANS THAT IF MR. MORGOVSKY VIOLATES ANY OF THE CONDITIONS OF
9 HIS BOND, THE GOVERNMENT CAN FORECLOSE ON THE PROPERTY AND GET
10 THAT AMOUNT OF MONEY.

11 MR. MORGOVSKY, IT GOES WITHOUT SAYING THAT IT IS VERY
12 IMPORTANT FOR YOU TO FOLLOW ALL THE CONDITIONS OF THE BOND.

13 **THE DEFENDANT:** I UNDERSTAND.

14 **THE COURT:** IN ADDITION TO CAUSING GREAT GRIEF TO
15 YOUR LOVED ONES, YOU WILL HAVE -- YOU WILL BE ARRESTED IF YOU
16 VIOLATE THE CONDITIONS, AND YOU'LL BE DETAINED IN JAIL UNTIL
17 THE CASE IS OVER. THIS CASE IS NOT TERRIBLY COMPLICATED, BUT
18 EVEN A CASE LIKE THIS CAN TAKE QUITE SOME TIME, AND YOU DON'T
19 WANT TO BE DOING IT FROM AN ALAMEDA COUNTY JAIL CELL.

20 IN ADDITION, VIOLATING THE CONDITIONS OF THIS BOND IS
21 ITSELF A CRIME, WHICH MEANS THAT IF, FOR EXAMPLE, YOU WERE TO
22 FLEE, YOU CAN ADD TEN YEARS TO YOUR SENTENCE. SO IT'S VERY
23 IMPORTANT THAT YOU NOT VIOLATE ANY OF THE CONDITIONS.

24 AND, FINALLY, OF COURSE, THE GOVERNMENT CAN COME
25 AFTER YOU FOR A MILLION DOLLARS IN THE EVENT THAT YOU VIOLATE

1 ANY OF THE CONDITIONS OF THE BOND.

2 SO CAN I SEE THE BOND?

3 **UNIDENTIFIED SPEAKER:** (INDISCERNIBLE.)

4 **THE COURT:** WHEN DID YOU WANT TO SET THE PRELIMINARY
5 HEARING?

6 **MR. HEMANN:** YOUR HONOR, I WOULD LIKE TO SET THE
7 PRELIMINARY HEARING FOR THE --

8 **UNIDENTIFIED SPEAKER:** I THINK I PUT IT ON THERE.

9 **THE COURT:** IS THIS SEPTEMBER 14TH?

10 **MR. HEMANN:** YES, YOUR HONOR.

11 **THE COURT:** AT 9:30 A.M. BEFORE JUDGE LAPORTE?

12 **MR. HEMANN:** YES, YOUR HONOR.

13 **MR. OSTERHOUDT:** I WON'T BE HERE AT THAT TIME. IS
14 THAT THE ONLY DATE --

15 **MR. HEMANN:** NO. WE'VE GOT 20 DAYS TO RETURN AN
16 INDICTMENT. SO WE CAN SET IT FOR --

17 **THE COURT:** WHENEVER YOU WANT.

18 **MR. OSTERHOUDT:** I'LL BE OUT OF THE COUNTRY BETWEEN
19 THE 12TH AND THE 19TH. I WON'T BE IN THE COUNTRY.

20 **MR. HEMANN:** WE CAN SET IT FOR THE WEEK OF THE 19TH
21 IF MR. OSTERHOUDT AGREES TO WAIVE TIME UNDER RULE 5.1.

22 **MR. OSTERHOUDT:** YES, YES.

23 **THE COURT:** OKAY. I'LL FIND GOOD CAUSE UNDER RULE
24 5.1 TO CONTINUE THE MATTER TO A PRELIMINARY ON SEPTEMBER 19TH
25 AT 9:30.

1 **MR. HEMANN:** THAT'S GREAT, YOUR HONOR. THANK YOU.

2 **MR. HRVATIN:** VERY GOOD, SIR.

3 **THE COURT:** OKAY. SO HERE ARE THE CONDITIONS:

4 IT'S A ONE-MILLION-DOLLAR BOND SECURED BY THE 2885
5 CHURCHILL DRIVE PROPERTY IN HILLSBOROUGH.

6 THE DEFENDANT SHALL APPEAR AT PROCEEDINGS AS ORDERED
7 BY THE COURT AND SHALL SURRENDER FOR SERVICE OF ANY SENTENCE
8 THAT'S IMPOSED.

9 DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE, OR
10 LOCAL CRIME.

11 DEFENDANT SHALL NOT HARASS, THREATEN, INTIMIDATE,
12 INJURE, TAMPER WITH, OR RETALIATE AGAINST ANY WITNESS, VICTIM,
13 AND FORMER JUROR, OFFICER OF THE COURT, OR OBSTRUCT ANY
14 CRIMINAL INVESTIGATION.

15 DEFENDANT SHALL NOT TRAVEL OUTSIDE THE NORTHERN
16 DISTRICT OF CALIFORNIA.

17 DEFENDANT SHALL REPORT IN PERSON IMMEDIATELY ON
18 RELEASE TO PRETRIAL SERVICES IN SAN FRANCISCO AND SHALL
19 SURRENDER ALL PASSPORTS AND VISAS TO PRETRIAL SERVICES BY
20 TODAY, AND SHALL NOT APPLY FOR ANY PASSPORTS OR OTHER TRAVEL
21 DOCUMENTS.

22 DEFENDANT SHALL NOT POSSESS ANY FIREARM, DESTRUCTIVE
23 DEVICE, OR OTHER DANGEROUS WEAPON.

24 DEFENDANT SHALL SUBMIT -- SO THERE WERE WEAPONS IN
25 THE HOME?

1 **MR. HEMANN:** THE UNREGISTERED WEAPONS WERE SEIZED.
2 THE REGISTERED ONES WERE NOT. SO HE'LL TO HAVE MAKE
3 ARRANGEMENTS TO HAVE SOMEBODY COLLECT THEM AND TURN THEM IN.

4 **THE COURT:** RIGHT.

5 **MR. HEMANN:** OR SECRET THEM SOMEWHERE.

6 **THE COURT:** YEAH, THE WEAPONS CAN'T BE IN YOUR HOME.
7 YOU SHALL SUBMIT TO A WARRANTLESS SEARCH OF YOUR
8 PERSON, PLACE, OR RESIDENCE, AND VEHICLE AT THE DIRECTION OF
9 PRETRIAL SERVICES.

10 YOU SHALL NOT CHANGE RESIDENCE WITHOUT PRIOR APPROVAL
11 OF PRETRIAL SERVICES.

12 YOU SHALL BE SUBJECT TO ELECTRONIC MONITORING AND MAY
13 LEAVE HOME FOR MEDICAL AND LEGAL APPOINTMENTS.

14 AND YOU SHALL HAVE NO CONTACT WITH MARK MIGDAL,
15 ANNETTA KALK, BORIS KALK OUTSIDE THE PRESENCE OF COUNSEL.

16 DO YOU UNDERSTAND THESE?

17 **THE DEFENDANT:** YES, YOUR HONOR.

18 **THE COURT:** DO YOU PROMISE TO ABIDE BY THEM?

19 **THE DEFENDANT:** YES.

20 **THE COURT:** OKAY.

21 **MR. OSTERHOUDT:** YOUR HONOR, I WISH TO RECORD AN
22 OBJECTION TO THE WARRANTLESS SEARCH PROVISION. EVEN THOUGH I
23 KNOW IT'S COMMON, I THINK IT SHOULD BE UNCONSTITUTIONAL.

24 **THE COURT:** WHAT'S THE JUSTIFICATION FOR THE
25 WARRANTLESS SEARCH?

1 **MR. HEMANN:** FALSE IDENTIFICATION DOCUMENTS THE
2 DEFENDANT IS KNOWN TO POSSESS.

3 **THE COURT:** YEAH. I'M GOING TO CROSS IT OUT. YOU
4 NEED SPECIAL JUSTIFICATION FOR THAT ONE. SO THERE WILL NOT BE
5 A WARRANTLESS SEARCH CONDITION.

6 SO IF YOU COULD HAVE -- AND SO, MR. VAYN, THESE
7 CONDITIONS -- THERE ARE LOTS OF THEM -- THEY CHANGE FROM TIME
8 TO TIME. YOU DON'T HAVE TO COME IN EVERY TIME I CHANGE A
9 CONDITION. BUT IF MR. MORGOVSKY VIOLATES A CONDITION THAT YOU
10 HAVE NEVER HEARD OF, YOU STILL -- THEY STILL CAN FORECLOSE ON
11 YOUR PROPERTY. OKAY.

12 IT'S ALSO THE CASE YOUR SPOUSE IS GOING TO HAVE TO
13 SIGN THIS BOND AS WELL. WE CAN MAKE ARRANGEMENTS FOR THAT TO
14 HAPPEN.

15 **MR. OSTERHOUDT:** YOUR HONOR, I DIDN'T TELL MR. VAYN
16 THAT --

17 **THE COURT:** YEAH.

18 **MR. OSTERHOUDT:** -- MRS. VAYN HAD TO SIGN THE BOND.
19 I KNEW SHE WOULD HAVE TO BE ON THE DEED OF TRUST, BUT I DIDN'T
20 REALIZE THAT. OTHERWISE, I WOULD HAVE ADVISED HIM TO HAVE HER
21 HERE.

22 **THE COURT:** OF COURSE. I APPRECIATE THAT.

23 **MR. HEMANN:** YOUR HONOR, WE NEED SET A DEADLINE BY
24 WHICH THE PROPERTY NEEDS TO BE POSTED WITH THE CLERK.

25 **THE COURT:** POSTING DATE. HOW LONG TO POST THE

1 PROPERTY?

2 **MR. OSTERHOUDT:** I DON'T THINK THAT SHOULD TAKE MORE
3 THAN A COUPLE DAYS.

4 **THE COURT:** COUPLE OF DAYS?

5 **MR. OSTERHOUDT:** COUPLE DAYS FOR THAT.

6 **THE COURT:** SO TODAY IS FRIDAY. YOU THINK BY TUESDAY
7 OR WEDNESDAY?

8 **MR. HEMANN:** TODAY'S --

9 **UNIDENTIFIED SPEAKER:** TODAY'S WEDNESDAY.

10 **MR. HEMANN:** TODAY'S TUESDAY.

11 **THE COURT:** BY FRIDAY. I'VE GOT THIS THING ALL --

12 **UNIDENTIFIED SPEAKER:** TODAY IS TUESDAY, YOUR HONOR.

13 **THE COURT:** I'VE GOT MY CALENDAR STILL ON FRIDAY.

14 TODAY IS TUESDAY. HOW ABOUT BY FRIDAY, THE 2ND?

15 **MR. HEMANN:** YES, YOUR HONOR.

16 **MR. OSTERHOUDT:** WE CAN CERTAINLY MAYBE SOONER THAN
17 THAT.

18 **THE COURT:** OKAY. NO LATER THAN FRIDAY, THE 2ND.

19 **MR. OSTERHOUDT:** HOW DO WE WANT TO HANDLE HER SIGNING
20 THE BOND?

21 **THE COURT:** SHE'S WELCOME TO COME AND VISIT ME ON MY
22 MORNING CALENDAR.

23 **MR. OSTERHOUDT:** SHE COULD COME TOMORROW MORNING,
24 YOUR HONOR.

25 **THE COURT:** FINE. WE'LL PUT IT ON FOR BOND SIGNING

1 TOMORROW MORNING.

2 MR. HEMANN: YOUR HONOR, I WILL NOT BE HERE TOMORROW,
3 BUT I CAN ASK THE DUTY.

4 THE COURT: YES, EXCELLENT.

5 MR. HEMANN: THE FABULOUS PHIL KEARNEY WILL BE HERE.

6 THE COURT: ALL RIGHT. HE'S PRETTY EXPERIENCED.

7 MR. OSTERHOUDT: YOUR HONOR, MR. MORGOVSKY, HE SOUGHT
8 MEDICAL ATTENTION IN THE LOCAL JAIL. HE DID SEE A DOCTOR, BUT
9 HE PRESCRIBED SOMETHING, AND HIS DISTRESS CONTINUES.

10 THE COURT: YES.

11 MR. OSTERHOUDT: CAN WE ARRANGE TO HAVE HIM RELEASED
12 AND THEN TAKE CARE OF THIS?

13 THE COURT: SO WHY DON'T YOU SIGN THE BOND?

14 MR. OSTERHOUDT: WE'LL SIGN THE BOND, AND THEN WE'LL
15 DO IT AS QUICK AS WE CAN.

16 MR. HEMANN: HOWEVER YOU WISH, YOUR HONOR.

17 THE COURT: OKAY. WELL, SO HE'S GOING TO BE ON --
18 YEAH, I THINK HE CAN BE RELEASED PENDING POSTING THIS WEEK.

19 MR. HEMANN: I AGREE WITH THAT, YOUR HONOR.

20 THE COURT: SO THAT'S NOT AN ISSUE. SO DO YOU NEED A
21 RELEASE ORDER?

22 UNIDENTIFIED SPEAKER: YES, YOUR HONOR.

23 MR. OSTERHOUDT: SO HE CAN BE RELEASED TODAY, YOUR
24 HONOR?

25 THE COURT: YEAH.

1 **MR. OSTERHOUDT:** I REALLY APPRECIATE THAT.

2 **THE COURT:** I'M GOING TO SIGN THE BOND RIGHT NOW.

3 **THE DEFENDANT:** AM I SUPPOSED TO SIGN IT?

4 **MR. OSTERHOUDT:** YEAH, YOU'RE THE DEFENDANT.

5 **THE COURT:** (INDISCERNIBLE.)

6 SO I'LL SIGN THE BOND. THAT WILL BE AN ORDER THAT
7 YOU'RE RELEASED.

8 **MR. OSTERHOUDT:** I APPRECIATE THAT, YOUR HONOR. VERY
9 MUCH.

10 YOUR HONOR, PRETRIAL PROPERLY CALLED MY ATTENTION TO
11 THE PASSPORT ISSUE. HE HAD ONE. AND I SAID -- I SPOKE TO
12 MRS. MORGOVSKY, WHO IS HERE. SHE WAS UNDER THE IMPRESSION IT
13 WAS SEIZED. IF IT WAS NOT SEIZED, SHE'D TURN IT IN
14 IMMEDIATELY.

15 **MR. HEMANN:** THE FBI DID NOT LOCATE MR. MORGOVSKY'S
16 PASSPORT IN MR. MORGOVSKY'S HOUSE WHEN IT CONDUCTED THE SEARCH.
17 SO THE FBI TELLS ME THAT IT HAS NOT SEIZED THE PASSPORT.

18 **MR. OSTERHOUDT:** WELL, WE KNOW WHERE IT IS, SO WE'LL
19 GET IT AND TURN IT IN.

20 **THE COURT:** YEAH. THAT'S EXACTLY THE RIGHT THING TO
21 DO.

22 **MR. OSTERHOUDT:** WE'LL DO IT TODAY. TODAY WE'LL DO
23 IT.

24 **THE COURT:** THAT WILL BE GREAT.

25 **THE CLERK:** THANK YOU.

1 **THE COURT:** OKAY. SO I'LL SEE YOU TOMORROW FOR BOND
2 SIGNING.

3 **MR. OSTERHOUDT:** THANK YOU VERY MUCH, YOUR HONOR.

4 **MR. HEMANN:** THANK YOU, YOUR HONOR.

5 **UNIDENTIFIED SPEAKER:** THANK YOU.

6 **MR. OSTERHOUDT:** MR. VAYN DOESN'T HAVE TO COME
7 TOMORROW?

8 **THE COURT:** NO, YOU DON'T HAVE TO COME.
9 MR. MORGOVSKY HAS TO COME.

10 **MR. OSTERHOUDT:** GIVE ME ONE MOMENT.

11 **THE COURT:** YES, SURE.

12 **MR. HEMANN:** THANK YOU, YOUR HONOR.

13 (PROCEEDINGS ADJOURNED AT 10:18 A.M.)
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25

CERTIFICATE OF TRANSCRIBER

I CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
TRANSCRIPT, TO THE BEST OF MY ABILITY, OF THE ABOVE PAGES OF
THE OFFICIAL ELECTRONIC SOUND RECORDING PROVIDED TO ME BY THE
U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, OF THE
PROCEEDINGS TAKEN ON THE DATE AND TIME PREVIOUSLY STATED IN THE
ABOVE MATTER.

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR,
RELATED TO, NOR EMPLOYED BY ANY OF THE PARTIES TO THE ACTION IN
WHICH THIS HEARING WAS TAKEN; AND, FURTHER, THAT I AM NOT
FINANCIALLY NOR OTHERWISE INTERESTED IN THE OUTCOME OF THE
ACTION.



JOAN MARIE COLUMBINI

SEPTEMBER 23, 2016